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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 20 2004

at 10 o'clock and 30 min. P.M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO (USA) CO.,)
LTD., a Delaware corporation,)

Plaintiff,)

vs.)

MILILANI GOLF CLUB, LLC, a)
Hawai'i limited liability company,)

ATTEST: A True Copy)

Defendant.)

WALTER A.Y.H. CHINN
Clerk, United States District
Court, District of Hawaii

CIVIL NO. CV04-00728 HG

**COMPLAINT TO SET ASIDE
FRAUDULENT TRANSFER
(MILILANI GOLF CLUB);
SUMMONS**

**COMPLAINT TO SET ASIDE FRAUDULENT
TRANSFER (MILILANI GOLF CLUB)**

Plaintiff SPORTS SHINKO (USA) CO., LTD. ("SS USA"), through its undersigned attorneys, brings this action to set aside a transfer made in violation of the Uniform Fraudulent Transfer Act, HRS Ch. 651C. SS USA seeks damages as well as equitable and declaratory relief.

PARTIES

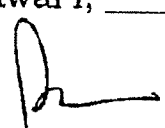
1. Plaintiff SS USA is a corporation organized and operating under the laws of Delaware. Its principal place of business is in West Virginia. SS USA's majority owner is Sports Shinko Co., Ltd. ("SS Japan"), a Japanese corporation. SS Japan is in reorganization under Japanese law under the control of Trustee Mutsuo Tahara and Deputy Trustee Keijiuro Kimura (collectively, the "Trustee"). Keijiuro Kimura is President of Sports Shinko (Hawai'i) Co., Ltd. ("SSH"), a Hawai'i corporation, which is wholly owned by SS USA. SSH owns all the stock of Sports Shinko (Mililani) Co., Ltd.

2. Defendant MILILANI GOLF CLUB, LLC ("MGC") is a Hawai'i limited liability company, with its principal place of business in the State of Hawai'i.

WHEREFORE, SS USA requests that the Court:

- A. Declare that SSM's transfer of the Mililani Golf Club to Defendant MGC was fraudulent as to SS USA;
- B. Avoid that transfer to the extent necessary to satisfy SS USA's claim;
- C. Impose a constructive trust on all assets transferred by SSM to Defendant MGC and all profits earned thereon;
- D. Order an accounting of all revenues received and expenses paid by Defendant MGC in connection with the Mililani Golf Club; and
- E. Award SS USA damages commensurate with the proof at trial as well as its attorneys' fees and costs, and such other and further relief as may be just and proper.

DATED: Honolulu, Hawai'i, 2/20/04.



PAUL ALSTON
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